

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 21, 23-33, 35, 37-48 and 50-51 are pending in the application. No claim amendments are presented, thus no new matter is added.

In the Office Action, Claims 21, 23-33, 35, 37-48 and 50-51 are rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over Claims 1-2 of U.S. Pat. 6,628,413. This rejection is respectfully traversed in light of the terminal disclaimer submitted herewith.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

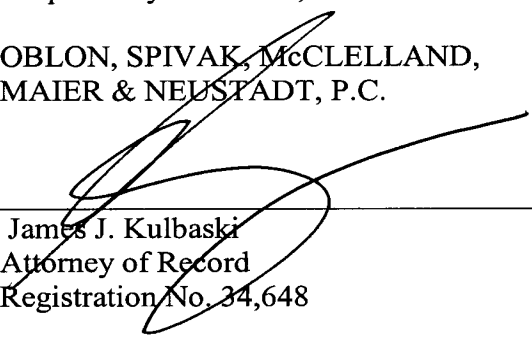
Accordingly, Applicant respectfully requests that the rejection of Claims 21, 23-33, 35, 37-48 and 50-51 on the ground of non-statutory obviousness-type double patenting be withdrawn.

Consequently, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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